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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,352	05/24/2001	Masaru Sugano	010661	1126
38834 7590 03/04/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
HOSSAIN, FARZANA E				
ART UNIT		PAPER NUMBER		
2424				
NOTIFICATION DATE		DELIVERY MODE		
03/04/2010		ELECTRONIC		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/863,352
Filing Date: May 24, 2001
Appellant(s): SUGANO ET AL.

Ryan B. Chirnomas
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 24, 2009 appealing from the Office action mailed August 5, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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US 6,147,714 Terasawa et al 11/2000

US 6,522,342 Gagnon et al 02/2003

"Audio." The American Heritage Dictionary of the English Language, 3rd ed. (1996). (see Appeal Brief filed 11/24/2009 Evidence Appendix)

"Bidirectional." McGraw-Hill Dictionary of Scientific and Technical Terms, 6th ed. (2003). (see Appeal Brief filed 11/24/2009 Evidence Appendix)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 10, 12-14, 16-19, 21-23 and 25-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa et al (US 6,147,714 and hereafter referred to as "Terasawa") in view of Gagnon et al (US 6,522,342 and hereafter referred to as "Gagnon").

Regarding claims 10 and 19, Terasawa discloses a method of describing summary data of at least one of audio data, video data and audiovisual data (hereinafter audio/video) (Figure 4), the method comprising:

Identifying multiple compressed or uncompressed original audio/video programs (Figure 4);

Identifying one or more slide components which are each a reduced temporal segment or single frames (Figure 4, Figure 36, Figure 40) from a corresponding one the multiple compressed or uncompressed audio/video contents programs with EPG information and the title bar (Figure 4, Figure 5);

Forming an audio/video slide comprising one or more slide components via the data stream (Figure 4, Figure 5, Figure 36, Figure 40, Column 6, lines 23-34);

Providing a textual description of the slide components as an external file such that the slide components are described sequentially (Figure 4, Figure 5, Figure 7, Figure 36, Figure 40, Column 6, lines 23-34, Column 12, lines 64-67, Column 15, lines 35-39); wherein the description of the slide components includes a temporal description temporally describing each slide component including the time of the program and its corresponding original audio/video program and allowing for a transition between the multiple original audio/video programs and the slide components or the title bar includes information about the program and transition to more information of the programs and selecting the slide bar using the remote control (Figure 4, Column 6, lines 23-34, Figures 5-7),

Displaying the textual description of the slide components through the title bar or the EPG (Figure 5, Figure 7). Microsoft Press 3rd edition Computer Dictionary defines file as: a compete, named collection of information, such as program, asset of data used by a program or a user created document, a file is a basic unit of storage that enables a computer to distinguish one set of information from another.

Terasawa is silent on wherein the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components. In analogous art, Gagnon discloses the textual description of the slide components includes a

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description about a bidirectional transition between the multiple original audio/video programs and the slide components or between each slide component a channel and video on the slider referencing multiple audio/video programs and the description to select a program from the slider or displaying the program and the viewing the slider to choose another program (Figure 2a, Figure 2b, Column 20, lines 34-67, Column 21, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Terasawa to the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components (Column 20, lines 34-67, Column 21, lines 1-5) as taught by Gagnon in order to for the user to move more quickly and efficiently through the guide and for the user to more than one way to select a program to view (Figure 2a, Column 3, lines 13-21) as disclosed by Gagnon.

Regarding claims 36 and 43, Terasawa discloses a method of describing summary data of at least one of audio data (hereinafter audio/video) (Figure 4, Column 19, line 15), the method comprising:

Identifying multiple compressed or uncompressed original audio programs including music programs (Figure 4, Column 19, line 15);

Identifying one or more slide components which are each a reduced temporal segment or single frames (Figure 4, Figure 36, Figure 40) from a

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corresponding one the multiple compressed or uncompressed audio or music programs with EPG information and the title bar (Figure 4, Figure 5);

Forming an audio slide comprising one or more slide components via the data stream (Figure 4, Figure 5, Figure 36, Figure 40, Column 6, lines 23-34);

Providing a textual description of the slide components as an external file such that the slide components are described sequentially (Figure 4, Figure 5, Figure 7, Figure 36, Figure 40, Column 6, lines 23-34, Column 12, lines 64-67, Column 15, lines 35-39); wherein the description of the slide components includes a temporal description temporally describing each slide component including the time of the program and its corresponding original audio program and allowing for a transition between the multiple original audio programs and the slide components or the title bar includes information about the program and transition to more information of the programs and selecting the slide bar using the remote control (Figure 4, Column 6, lines 23-34, Figures 5-7),

Displaying the textual description of the slide components through the title bar or the EPG (Figure 5, Figure 7). Microsoft Press 3rd edition Computer Dictionary defines file as: a complete, named collection of information, such as program, asset of data used by a program or a user created document, a file is a basic unit of storage that enables a computer to distinguish one set of information from another.

Terasawa is silent on wherein the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio programs and the slide components. In analogous art,

Gagnon discloses an audio slide with slide components (Column 20, lines 34-36, Column 23, lines 36-41), the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio programs and the slide components or between each slide component a channel and audio on the slider referencing multiple audio programs and the description to select a program from the slider or displaying the program and the viewing the slider to choose another program (Figure 2a, Figure 2b, Column 23, lines 36-40, Column 20, lines 34-67, Column 21, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Terasawa to include the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components (Column 20, lines 34-67, Column 21, lines 1-5) as taught by Gagnon in order to for the user to move more quickly and efficiently through the guide and for the user to more than one way to select a program to view (Figure 2a, Column 3, lines 13-21) as disclosed by Gagnon.

Regarding Claims 12, 21, 37 and 44, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses the slide components of the audio/video slide are reduced temporal segments included in the original audio/video programs (Figure 4, Figure 5, Figure 7, Figure 39, S73). Microsoft Press 3rd edition Computer Dictionary defines file as: a complete, named collection of information, such as program, asset of data used

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by a program or a user created document, a file is a basic unit of storage that enables a computer to distinguish one set of information from another.

Therefore, Terasawa discloses the reduced temporal segment or frame is a separate file as each segment is for one program, and a set of files is described sequentially or each segment is a separate file that is described sequentially from the title bar (Figure 4, Figure 5, Figure 7, Figure 39, S73, Figure 36).

Regarding Claims 13, 22, 38 and 45, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses wherein the slide components of the audio/video slide are reduced temporal segments included in the original audio/video programs, a set of segments is integrated as one composite file or one segment or frame is one file (Figure 39, S73, Figure 23, 35a), and the individual segments of the composite file are described sequentially in title bar (Figure 4, Figure 5). See rejection of Claims 12 and 21.

Regarding Claims 14, 23, 39 and 46, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses the textual description about the transition between the original programs and the slide components further includes a description about an identifier of the original programs to which the slide components correspond via the title bar (Figure 4, Figure 5, Figure 7, Figure 36, Figure 40, Column 19, line 15). Gagnon discloses the textual description about the bidirectional transition between the original programs and the slide components via the slider or tuning bar or displaying the program and the viewing the slider to choose another program (Figure 2a, Figure

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2b, Column 20, lines 34-67, Column 21, lines 1-5, Column 23, lines 36-41).

Regarding Claims 16, 25, 40 and 47, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses it is possible to transfer from playback of the audio/video slide to playback of the original audio/video programs relating to the slide components of the audio/video slide (Column 6, lines 6-13, Column 16, lines 14-25), and it is also possible to transfer reversely from playback of original audio/video programs to playback of the audio/video slide (Column 6, lines 6-13, Column 16, lines 14-25).

Regarding Claims 17, 26, 41 and 48, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses it is possible to display attribute data describing the corresponding original audio/video programs by using description data of audio/video slide components during playback of an audio/video slide or title bar can be displayed during playback (Figure 3, Figure 4, Figure 5).

Regarding Claims 18, 27, 42 and 49, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses that corresponding original audio/video programs is played by using description data of the audio/video slide components during playback of an audio/video slide (Column 6, lines 6-13, 23-34, Column 19, line 15, Column 16, lines 14-25, Figure 4, Figure 36, Figure 39, Figure 40).

Regarding Claims 28, 29, 50 and 51, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses the temporal description allows for a transition from each slide component to a

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beginning of each corresponding original audio/video program of which each slide component is a reduced temporal segment (Figure 4, Column 9, line 15, Column 6, lines 6-13, 23-34) as it is known in the art if all programs start at 7:00 then a selection of a program at 7:00 from the slide component will transition to the beginning of each corresponding audio video program for the benefit of a user watching a program from the beginning. Terasawa discloses wherein the temporal description including the time of the program and its corresponding original audio/video program (Figure 4, Figures 5-7) allows for a transition from each original audio/video program to a beginning of each slide component which is a reduced temporal segment of each sequentially next original audio/video program or after the program selected is displayed there is a reduced temporal segment in the slide for each sequentially next original audio/video program for instance after a 7:00 program is selected for viewing such as World News (Figure 8), after the program is displayed World Sport will be the next reduced temporal segment (Figure 4, Figure 8, Figure 35). Gagnon discloses the slider remains in display while watching the selected program (Column 20, lines 34-67, Column 21, lines 1-5, Figure 2A, Figure 2B). Gagnon discloses audio programming slide components on the slide (Column 23, lines 36-41, Column 20, 34-36).

Regarding Claims 30, 32, 52 and 54, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses wherein slide components are sequentially playable or reduced temporal segments that are sequential order can be displayed on the data stream (Figure 4, Column 19, lines 44-56, Figure 35, Figure 40).

Regarding Claims 31, 33, 53 and 55, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses wherein slide components are non-sequentially playable or reduced temporal segments that are non-sequential order can be displayed on the data stream as programs out of order in time or channel can be scrolled through and displayed at the same time (Figure 36, Figure 4, Column 19, lines 44-56).

Regarding Claims 34, 35, 56 and 57, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses the slide comprises at least one segment or single frames from each of the multiple compressed or uncompressed original audio/video programs (Figure 4, Figure 36, Figure 4).

(10) Response to Argument

I. Discussion of cited art

a. Terasawa

The appellant summarizes Terasawa (Pages 5-8). The appellant also makes a point that the single frame is likely a still frame selected from all frames in the program but is unsure how a single frame is selected from a live event (Page 6).

In response to the live event argument, the limitations of the claim do not disclose live event. The examiner used Terasawa for the disclosed limitations and this argument does not relate to the claims.

b. Gagnon

The appellant summarizes Gagnon (Pages 8-9).

II. Claims 10, 12-14, 16-19, 21-23 and 25-57

The appellant states that the examiner's position is that Terasawa discloses the invention except for textual description of slide components excluding a description about a bidirectional transition between the multiple original audio/video programs and the slide components (Page 9).

a. Summary of the proposed modification of Terasawa

The appellant argues that the proposed modification of Terasawa differs from the actual disclosure of Terasawa because the modification merely allows for the retention of the "slide" of still frames after changing a channel (Page 10). The appellant argues that the proposed modification would allow a user to select program C by pressing a button to change to the channel but that it is unclear would occupy the space formerly occupied by a still frame of program C (Page 9). The appellant argues that in December 18, 2008 response, the appellant's requested i) clarification of whether the Examiner agrees with the appellant's characterization and disagrees with the appellant's position of whether the combination meets the limitation or ii) disagrees with the appellant's characterization of the proposed combination (Page 10). The appellant argues that the examiner did not clarify but appeared to disagree with the description (Page 11). The appellant states that they asked for the same clarification in a response filed May 13, 2009. The appellant states that the examiner's response appears to agree with the appellant's view but disagrees with the position.

In response to the appellant's remarks, Terasawa is silent on a slide to remain on the screen. Gagnon discloses a slide (Figure 2A) and combined with Terasawa provides that a slide can remain on screen after changing the channel (Column 20, lines 34-54). The examiner is unsure as to why it is unclear what will occupy the space of program C if that is what is selected from the data stream of Terasawa. The modification made by the examiner when combining Gagnon to Terasawa is for a bidirectional transition: The bidirectional transition is the guide or tuning bar allowing a user to select between two channels with programs while the guide remains displayed.

Terasawa discloses a slide of slide components of current programs which include the frame for program C as it was pre-selected (Figure 4, Figure 5, Figure 35) and the slide is a guide which allows a user to scroll currently aired programs (Column 16, lines 14-30, Column 6, lines 6-22). If the disclosure of Terasawa is not as explicit, then Gagnon discloses a slide with slide components that shows the slide component after selection and tuning to the channel as the tuning bar shows the channel (Figure 2a, Figure 2b). Note: Gagnon discloses that a slide component or a currently tuned channel is a selection on the slide or channel tuning bar (Column 20, lines 30-45, Figure 2A).

b. Gagnon is not relevant to the claims and thus should not be combined

The appellant argues that is improper to combine Terasawa and Gagnon as the "slide" of Terasawa is a series of still frames and so-called "slide" of

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Gagnon is simply a list of channels (Page 11). The appellant also states that the examiner acknowledged that a slide component in Gagnon is not a segment (Page 12). The appellant argues that the slide of Gagnon is not a slide as defined by the claims (Page 12). The appellant argues that the slides of Gagnon and Terawasa are not compatible and it would not have been obvious to combine such dissimilar slides.

In response to the appellant's arguments, Terasawa and Gagnon are electronic program guides or EPGs with slide or sliding bars that allow a user to select programs. Terasawa discloses a slide with a slide component of a reduced temporal segment or still frame of a program that is displayed on a channel (Figure 4, Figure 36, Figure 40). Gagnon discloses a slide with a slide component or a currently tuned channel is a selection on the slide or channel tuning bar (Column 20, lines 30-45, Figure 2A). The combination of Gagnon and Terasawa still includes a slide with a still frame and program information including a channel.

Gagnon discloses that a user is watching a program can view a displayed slide or channel tuning bar or guide is and the user can change the current video channel to a selected channel via the slide (Column 20, lines 34-54). Gagnon discloses that user can scroll the slide and select a second channel with a second program (Column 20, lines 34-67, Column 21, lines 1-5). Note: Gagnon discloses that a slide component or a currently tuned channel is a selection on the slide or channel tuning bar with a slider (Column 20, lines 30-45, Figure 2A).

Furthermore, in *KSR International Co. Teleflex Inc.*, 82 USPQ2d 1385,

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1395 (2007), the Court found that if all the claimed elements are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

c. The combination does not disclose or suggest the embodiments of claims 10 and 19

Argument 1

The appellant argues that even if Terasawa and Gagnon are combined the combination does not disclose the subject matter of independent claims (Page 13). The appellant argues that the original audio/video content was broadcasted content and slide components were still frames of Terasawa are not analogous to the original audio/video content was the broadcasted content and the slide components of channel data of Gagnon (Page 13). The appellant also repeats that the examiner acknowledged that slide components as segments are not present in Gagnon (Page 13).

In response to the appellant's arguments, for the analogous combination and slide arguments, please see response to arguments in section II. b above.

Argument 2

The appellant argues that the main controversy is whether the combination discloses bidirectional transition (Pages 13-14), specifically the limitation "the textual description of the slide components includes a temporal

description temporally describing each slide component and its corresponding original audio/video program and allowing for a bidirectional transition between the multiple original audio/video programs and the slide components (Pages 13-14).

In response to the appellant's arguments, Terasawa is silent on wherein the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components. Terasawa discloses displaying the textual description of the slide components through the title bar or the EPG (Figure 5, Figure 7).

Gagnon is combined with Terasawa for the bidirectional transition. Gagnon discloses the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components which is met by between each slide component [a channel] and video on the slider referencing multiple audio/video programs and the description to select a program from the slider or displaying the program and the viewing the slider to choose another program via the slide component (Figure 2a, Figure 2b, Column 20, lines 34-67, Column 21, lines 1-5).

Argument 3

The appellant argues that Terasawa does not disclose the bidirectional limitation and that Gagnon does not teach the limitation (Page 14). The appellant disagrees with the examiner's position that because the slide in Gagnon does not disappear when the user switches to a first station and it stays on screen during

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and after switching from one channel to a second new channel is a bidirectional transition (Page 14).

Part 1

The appellant provides the definition of bidirectional as "being directionally responsive to inputs in two opposite directions" (Page 15). The appellant argues therefore there are unidirectional transitions between the tuning bar and the live video in Gagnon (Page 15). The appellant then argues that under the examiner's reasoning, Gagnon would disclose a tri-directional link if a use switches to a third new channel and a quad-directional link if a user switches to a fourth channel (Page 15). The appellant finds it unclear why the examiner italicized multiple in the previous response (Page 17).

In response to the argument, the limitation recites the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components. The limitation does not recite that a bidirectional transition between a particular program and its corresponding slide component. The limitation discloses between *multiple* audio/video programs and the slide components which includes selecting between different programs via slide components. Gagnon discloses that a user can transition between a program and the slide as the slide is still being displayed when the user selects a program from the slide and allows transitions in two opposite directions, one of which is selecting from the slide to another program and using the slide to return to the first program (Figure 2A, Column 20, lines 34-67, Column 21, lines 1-5). Therefore, the combination of

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Gagnon and Terasawa allows a user to select a slide component to view program A from a slide/bar and using the slide to select program B (via the slide component).

The examiner would also like to note that the claim does not positively recite the bidirectional transition as it recites *allowing* for a bidirectional transition between the multiple original audio/video programs and the slide component.

Part 2

The appellant argues that the combination does not disclose a bidirectional transition because it does not disclose a still frame C to program C and program C to still frame C (Page 17).

In response to the argument, the current language of the appellant's argument of the claim does not require selecting still frame C to program C and program C to still frame C. See response to Part 1 above.

The bidirectional transition is the guide or tuning bar allowing a user to select between two channels with programs while the guide remains displayed. Therefore, if a user selects program C and maintaining the guide to select another program i.e. programs A, B, D, E, F.

[Note: slide component for program C is maintained on the slide in Gagnon (Figure 2a – see section II a above).] Note: Terasawa discloses forming an audio/video slide comprising one or more slide components via the data stream (Figure 4, Figure 5, Figure 36, Figure 40, Column 6, lines 23-34).

Part 3

The appellant argues that the transition required 1) in the slide component to original program direction and 2) in the original program to the slide component direction (Page 18). The appellant argues that bidirectional means being responsive to inputs in two opposite directions which does not mean still frame to program A and still frame to program B are not in opposite directions (Page 18).

The bidirectional transition is selecting between two or more programs via the slide or the guide. Gagnon discloses that a user can transition between a program and the slide, as the slide is still being displayed when the user selects a program and allows transitions in two opposite directions which is selecting from the slide to another program and using the slide to return to the first program (Figure 2A, Column 20, lines 34-67, Column 21, lines 1-5). Therefore, the combination of Gagnon and Terasawa allows a user to select a slide component to view program A from a slide/bar and using the slide to select program B (via the slide component).

Therefore, it is a bidirectional transition or input in two opposite directions.

d. The combination of cited art does not disclose or suggest Claims

The appellant argues that the cited art does not disclose 1) in the slide component to original program direction and 2) in the original program to the slide component direction (Page 19).

See responses below.

Argument 1

The appellant argues in the appellant's specification Figure 5, the transition from SONG 2_SUM transitions to the beginning of Song 2 via arrow p (Page 19).

In response to the arguments, the appellant is arguing limitations as viewed by the appellant's specification versus the claim limitations which are broader in scope. The limitation states each slide component to a beginning of each corresponding original audio/video program of which the each slide component is a reduced temporal segment.

Therefore, Terasawa allows for a transition from still frame to the beginning of a program if all programs start at 7:00 then a selection of a program at 7:00 from the slide component will transition to the beginning of each corresponding audio video program for the benefit of a user watching a program from the beginning (Figure 4, Column 9, line 15, Column 6, lines 6-13, 23-34).

Argument 2

The appellant argues that the second clause of the claim to transition to the beginning the slide component of the second program such as an 8:30-9:30 program (Page 20). The appellant argues that Terasawa does not disclose original program to beginning of next slide component (Page 20) or that the

temporal description allows for a transition from each original audio/video program to a beginning of each slide component which is a reduced temporal segment of each sequentially original audio/video program (Page 19).

In response to the arguments, Terasawa discloses wherein the temporal description including the time of the program and its corresponding original audio/video program (Figure 4, Figures 5-7) allows for a transition from each original audio/video program to a beginning of each slide component [still frame] of each sequentially next original audio/video program or after the program selected is displayed there is a still frame in the slide *for each sequentially next original audio/video program* for instance after a 7:00 program is selected for viewing such as World News (Figure 8), after the program is displayed, displaying the beginning of reduced temporal segment [still frame] for the next program World Sport (Figure 4, Figure 8, Figure 35).

The examiner would also like to note that the sequentially next original audio/video program will not only include next program on the channel watched but also a program on the next channel or the next categorical program on a specific channel (Figure 8, Figure 35, Figure 36, Figure 40). Gagnon discloses the slider remains in display while watching the selected program (Column 20, lines 34-67, Column 21, lines 1-5, Figure 2A, Figure 2B).

The examiner would also like to note that the claim does not positively recite the bidirectional transition as it recites *allowing* for a bidirectional transition between the multiple original audio/video programs and the slide component. The language is an intended use claim.

e. The combination does not disclose or suggest the embodiments of claims 36-57

Argument 1

The appellant argues that claim recites audio data instead of audio data, video data and audiovisual data (Page 21). The appellant disagrees with the interpretation of an audio program as a music program (Pages 21-22). The appellant states that a video still frame of a concert or music program is not a reduced temporal segment of an audio program (Page 22).

In response to the appellant's arguments and remarks, using the broadest reasonable interpretation any programming could be an audio program. The examiner used the broadest reasonable interpretation that an audio program includes a music program (or a sports program or a news program). The definition of audio is of or relating to the broadcasting or reception of sound. Therefore, Terasawa discloses a program is of or relating to the broadcasting or reception of sound which includes all programs (Column 4, lines 41-62). Gagnon discloses audio programming (Column 23, lines 36-41). Therefore, a still frame is the reduced temporal segment of an audio program or a program related to of or relating to the broadcasting of sound.

Argument 2

The appellant states that therefore the examiner's position relates to a slide formed of three still frames of three concerts or music videos is equivalent

to an audio slide comprising said slide components (Page 22). Then the appellant argues that a slide formed of three still frames from three different sports events was not regarded as being equivalent to the audio slide (Page 22). The appellant further argues that in the August 5, 2009 response that the Examiner maintained her position but expanded it slightly that other programming such as sports programs could be considered audio programs (Page 22).

In response to arguments see response to Argument 1 for audio program argument. Terasawa discloses a reduced temporal segment of an audio program or a program related to of or relating to the broadcasting of sound (Figure 4, Column 4, lines 41-62).

Argument 3

The appellant argues that even if the concert video was an original audio program, a still frame of concert video would not suggest forming an audio slide (Page 22). The appellant argues that the adjective of audio modifies slide requiring the slide to have sound (Pages 22-23). The appellant provides the definition of audio (Page 23). The appellant argues that an audio program must include sound and that a reduced temporal segment must include sound (Page 24). The appellant also stated that the specification refers to audio and video data as it relates to MPEG-7 and the background states that it does not allow browsing of audio portion of audiovisual data or music data (Page 24). The appellant argues that audio must be comprised of data which encodes sound (Page 25).

In response to the appellant's arguments, the examiner agrees that an audio program must include sound. However, the broadest reasonable interpretation does not require that a reduced temporal segment of an audio program must include sound. The reduced temporal segment of any program of or in relation to broadcasting or reception of sound could be a still frame. The phrase "audio slide" does not require that the slide must have sound. The broadest reasonable interpretation of forming of an audio slide can be interpreted as forming a slide of audio programs. Therefore, Terasawa discloses forming an audio slide comprising one or more slide components via the data stream (Figure 4, Figure 5, Figure 36, Figure 40, Column 6, lines 23-34). Gagnon discloses audio programming (Column 23, lines 36-41). The limitations do not recite MPEG-7.

Argument 4

The appellant addressed Examiner's comments from the most recent office action (Page 25). First, the appellant states that the examiner cited a paragraph from the background which is not relevant as it is a shortcoming and the comment makes no sense (Pages 25-26).

The examiner will briefly address this comment: the examiner stated in the remarks section of the Office Action that there is more information in the background which relates to the invention.

Argument 5

The appellant argues that it is unclear why the statement that "the applicants also disclose it would not have been obvious to add audio to still frame from another program simultaneously displayed in a PIP format] referring to page 23 of the previously filed remarks why the examiner would refer to the argument. The appellant argues that since Examiner is of position that embodiments are as claimed it is unclear as why the Examiner mentions this point (Page 26). The appellant argues again that Terasawa discloses main program and still frame from another program in a Picture in Picture format and that it would not have been obvious to add audio to the still frames (Page 25).

In response to the argument, the examiner addressed all points of the remarks filed by the appellant in all arguments [it is noted that the appellant again made the same argument in relation to PIP]. The examiner is of the position that the limitations are met. However, the appellant is arguing that that it is not possible to add sound to still frames and the examiner reiterates that further consideration and/or search would be required for adding sound to the frames. This limitation states reduced temporal segment of an audio program not a reduced temporal segment with sound of an audio program.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2424

Respectfully submitted,

/FARZANA HOSSAIN/

Farzana Hossain

Examiner, Art Unit 2424

Conferees:

Chris Kelley

/Christopher Kelley/

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